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MIAMI CIRCLE PARK FEASIBILITY STUDY

JUNE 28, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1894]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1894) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, line 23 through page 3, line 6, amend paragraph (1) to read as follows:

“(1) MIAMI CIRCLE.—The term ‘Miami Circle’ means the Miami Circle archaeological site in Miami-Dade County, Florida.”.

PURPOSE

The purpose of S. 1894 is to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

BACKGROUND AND NEED

Discovered in 1998, the Miami Circle is a 38-foot-diameter circle of a 2.2-acre archaeological site in downtown Miami, Florida. The site is located in the bedrock on the southern bank of the Miami River where it flows into Biscayne Bay. The Miami Circle site is composed of 24 shallow, irregular shaped basins surrounded by

more than 600 postholes. The general area was documented in 1941 as a former Tequesta Native American site, but little field work had been done to research the site until 1998.

Some archaeologists believe that the Miami Circle is the base of a Tequesta lodge or temple house and that it could yield significant clues about the Tequestas' native culture. Radio-carbon dating has shown pieces of charcoal and other artifacts to be at least 1,800 years old.

The Miami Circle is located about 5 miles north of Biscayne National Park. Discussions about adding Miami Circle to the park began soon after its discovery. Other Tequesta archaeological sites are located on the park's islands.

Biscayne National Park was first authorized as a national monument in 1968 and was enlarged and redesignated a national park in 1980. The park protects submerged cultural resources, historic structures, and marine systems, including the northernmost coral reef in the United States. Although most of the park is underwater; approximately 4,500 acres are located on the mainland and on several islands.

LEGISLATIVE HISTORY

S. 1894 was introduced by Senators Graham and Nelson on January 24, 2002. S. 762, an identical measure, was introduced by Senator Graham in the 106th Congress on March 25, 1999 and passed the Senate on October 14, 1999. It was referred to the House Committee on Resources. No further action was taken. The Subcommittee on National Parks held a hearing on S. 1894 on February 14, 2002. The Committee on Energy and Natural Resources adopted an amendment to S. 1894 at its business meeting on May 15, 2002, and ordered the bill as amended favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass S. 1894, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1894, the Committee on Energy and Natural Resources adopted an amendment which simplifies the reference to the Miami Circle site.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth congressional findings, and provides that the purpose of the Act is to direct the Secretary of the Interior to conduct a special resource study on the national significance of the Miami Circle site and the feasibility and suitability of its inclusion in the National Park System as part of Biscayne National Park.

Section 2 defines key terms used in the Act.

Section 3 provides that the Secretary shall conduct a special resource study on the Miami Circle not later than 1 year after funds are made available, in consultation with appropriate American Indian tribes and other interested groups and organizations. Besides

a determination of national significance, feasibility, and suitability, the study shall include analysis and recommendations with respect to which (if any) areas surrounding Miami Circle should be included in the park; whether any additional staff, facilities, or other resources would be necessary to administer Miami Circle as a unit of the park; and any impact on the local area that would result from the inclusion of Miami Circle in the park. Within 30 days of completing the study, the Secretary shall submit a report describing its findings and recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1894, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the state of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1894—A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the state of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park

S. 1894 would direct the Secretary of the Interior to conduct a special resource study of the Miami Circle, a recently discovered archeological site in Miami, Florida. The study would determine the national significance of the site as well as the feasibility and suitability of including it within Biscayne National Park. The bill would authorize the appropriation of whatever sums are necessary to conduct the study, and it would require the Secretary to report findings and recommendations within one year and 30 days of receiving funds.

Assuming appropriation of the necessary amount, CBO estimates that implementing S. 1894 would cost the federal government \$150,000 over the next year to complete the required study and re-

port. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1894 contains no intergovernmental or private-sector mandates as defined in Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1894. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1894.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

The Department supports this bill, with an amendment. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 40 studies pending, of which we hope to transmit 15 to Congress by the end of 2002. One concern with authorizing additional studies is that it raises public expectations for establishing new park units, national trails, wild and scenic rivers, or heritage areas. We cannot afford to continue adding so many new funding requirements at the same time that we are trying to work down the deferred maintenance backlog at existing parks. To estimate these potential new funding requirements, the Administration will identify in each study all of the costs to establish, operate, and maintain the proposed site.

The Miami Circle is an archeological site in downtown Miami that was discovered in 1998 during the pre-construction survey for a condominium building. The site is lo-

cated at the mouth of the Miami River, about seven miles from the northern boundary of Biscayne National Park. It consists of a circle measuring 38 feet in diameter cut into the limestone bedrock with approximately 20 irregular basins, several hundred smaller "postholes," a carving resembling an eye, and several possible astronomical alignments. Also present are several offerings, including two axes manufactured out of basaltic stone (not native to Florida), shark and sea turtle skeletons, and the skull of a bottle-nose dolphin, which bolsters the theory that this was a ceremonial site. This is the first bottlenose dolphin uncovered at an excavation in North America outside the Pacific Northwest.

A site survey by the Florida Bureau of Archeological Research completed in November, 1999 confirmed that the Miami Circle is a Tequesta Indian site approximately 2,000 years old. The Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida. They developed a culture and subsistence that was highly successful. By using the rich marine and coastal environment along Biscayne Bay, the Tequesta developed a complex social chiefdom without an agricultural base. The Miami Circle site might have served as the center of religious, trading and political activity for this culture.

The archaeological survey also determined that the Miami Circle is part of a larger complex of prehistoric archaeological features on the 2.2 acre parcel, and part of a Tequesta village that occupied both sides of the Miami River. The Miami Circle is now often referred to as the Brickell Point Project to acknowledge the archaeological value of the entire 2.2-acre site, not just the circle.

Once this site was discovered, the State of Florida, Miami-Dade County, and many interested organizations and individuals combined efforts to prevent the Miami Circle property from being developed. In November, 1999, the State of Florida purchased the site for \$26.7 million with funding provided by the state's Conservation and Recreation Lands program, Miami-Dade County's Safe Neighborhood Parks Bond funds, private contributions, and a loan from the Trust for Public Land. The Florida State Division of Historical Resources has been working closely with the Division of State Lands and Miami-Dade County to develop a management plan for the property.

However, the question of how the site can best be managed over the long term, and by whom, has not yet been resolved. Interest in the possibility of National Park Service management of the site spurred the introduction of feasibility study legislation similar to S. 1894 in the 106th Congress in both the Senate and the House of Representatives. Florida Governor Jeb Bush supported the legislation. The Senate passed the legislation in October, 1999, but the House of Representatives did not vote on it.

S. 1894 directs the Secretary of the Interior to conduct a special resource study to determine whether the Miami

Circle site is nationally significant as well as suitable and feasible for addition to the National Park System and, specifically, for addition to Biscayne National Park. As is standard for special resource studies, it would examine not only the option of adding the site to the National Park System but also other alternatives for protecting, managing, and interpreting the site.

Although Biscayne National Park was established primarily for the protection of its wealth of natural resources, the park is fortunate to have seven well-preserved Tequesta sites within its boundaries, all of which may be eligible for the National Register of Historic Places. The addition of the Miami Circle to Biscayne would likely enhance the park's ability to interpret the Tequesta culture. And, it would give the park a presence in Miami, which is something that numerous community members have indicated support for in the park's general management planning process. However, there may be other alternatives which could effectively achieve the protection of this resource, so it would be prudent to study other management possibilities as well.

The legislation is consistent with the requirements for special resource studies under Title III of the National Park System Omnibus Management Act of 1998 (Public Law 105-391), except for the time allotted for completion of the study. S. 1894 requires the Secretary of the Interior to conduct the study not later than one year after the date funds are made available, and to submit the study to the appropriate committees of Congress within 30 days of completion of the study. Public Law 105-391 provides for studies to be completed within three fiscal years after funds are first made available for the study. Although it is possible that the study could be completed in fewer than three years, we recommend amending S. 1894 to provide for three years to complete the study, consistent with Public Law 105-391, to ensure that there is a sufficient amount of time for public involvement and for thorough consideration of the various alternatives for management of the site.

Mr. Chairman, this concludes my statement. I would be pleased to respond to questions from you or other committee members.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1894, as ordered reported.

